

House Study Bill 236

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties and powers of the state
2 entomologist, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1988HC 82
5 da/es/88

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1 1 Section 1. Section 177A.9, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 ~~1. It shall be unlawful for any person to sell, give away,~~
1 4 ~~carry, ship, or deliver for carriage or shipment, within this~~
1 5 ~~state, any plants or plant products listed in the rules unless~~
1 6 ~~such plants or plant products have been officially inspected~~
1 7 ~~and a certificate issued by an inspector of the state~~
1 8 ~~entomologist's office stating that such plants or plant~~
1 9 ~~products have~~ A person shall not sell, offer for sale, or
1 10 distribute a plant or plant product which has not been
1 11 inspected and certified as required by the state entomologist.
1 12 2. The state entomologist may provide for the inspection
1 13 and certification of a plant or plant product for any use,
1 14 including a plant or plant product for sale, offer for sale,
1 15 or distribution within this state or outside this state.
1 16 a. The state entomologist may enter into and oversee
1 17 agreements, including compliance agreements and memorandums of
1 18 understanding, with other persons to provide for the
1 19 certification of a plant or plant product for purposes
1 20 relating to facilitating trade and determining the infestation
1 21 status of a plant or plant product.
1 22 b. A certification shall provide that the plant or plant
1 23 product has been inspected and found to be apparently free
1 24 from dangerously injurious insect pests and diseases, and
1 25 giving any. The certification may include other facts as
1 26 provided for in the department's rules.
1 27 3. For the issuance of such certificate, the state
1 28 entomologist may require the payment of a reasonable fee to
1 29 cover the expense of such inspection and certification.
1 30 Provided, that if such plants ~~If a plant or plant products~~
1 31 ~~were product was~~ brought into this state in compliance with
1 32 section 177A.8, the certificate required by that section may
1 33 be accepted in lieu of the inspection and certificate required
1 34 by this section, ~~in such cases as shall as may~~ be provided for
1 35 in the department's rules.
2 1 4. If it shall be found at any time that a certificate ~~of~~
2 2 ~~inspection, issued or accepted under the provisions of this~~
2 3 ~~section, is being used in connection with plants and a plant~~
2 4 ~~products or plant product which are is~~ infested or infected
2 5 with a dangerously injurious insect ~~pests pest~~ or ~~diseases~~
2 6 ~~disease or is used~~ in connection with ~~an~~ uninspected plants,
2 7 ~~its plant or plant product, the state entomologist may~~
2 8 ~~prohibit its further use may be prohibited, subject to such~~
2 9 ~~the inspection and disposition of the plants and plant or~~
2 10 ~~plant products involved product as may be provided for by the~~
2 11 state entomologist.
2 12 5. All moneys collected under the provisions of this
2 13 chapter shall be ~~turned over to the secretary who shall~~
2 14 ~~deposit them deposited~~ in the state treasury.
2 15 EXPLANATION
2 16 This bill amends Code section 177A.9, which prohibits a
2 17 person from selling, offering for sale, or distributing a
2 18 plant or plant product unless it has been inspected and

2 19 certified by the state entomologist within the department of
2 20 agriculture and land stewardship. The bill provides that the
2 21 state entomologist may provide for the inspection and
2 22 certification of a plant or plant product for destinations in
2 23 or out of this state. It also provides that the state
2 24 entomologist may enter into and oversee agreements, including
2 25 compliance agreements and memorandums of understanding, with
2 26 other persons to provide for the certification of a plant or
2 27 plant product. Code section 177A.16 provides that a person
2 28 who violates a provision of the Code chapter, including Code
2 29 section 177A.9, is guilty of a simple misdemeanor. A simple
2 30 misdemeanor is punishable by confinement for no more than 30
2 31 days or a fine of at least \$65 but not more than \$625 or by
2 32 both.
2 33 LSB 1988HC 82
2 34 da:nh/es/88